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THURSDAY, OCTOBER 27, 1886.

LOCAL NEWS.

There was a meeting of the Cabinet Council yesterday afternoon.

A bachelor merchant departing for the Coast on Saturday will probably return a benedict.

Mr. John A. Beckwith, American Consular Agent at Hilo, is in town, en route to the Coast.

Dr. McGrew has entered a fresh suit for damages against Messrs. Barnes & McCandless, well known.

Mr. Dare has resumed the regular practice of law, with his office as formerly in Spreckels' block.

Mr. White, superintendent of the Kohala Railway, Hawaii, arrived in town by the Calbarien from Mahukona.

Mr. S. M. Carter has begun the sale of hay, grain and feed, in addition to coal and wood, at his place on King street.

Mr. Gilbert Waller is said to have received the brewer's license, intending to start the brewery on his abattoir lot at Kalihi.

Negotiations are progressing for a billiard match between Messrs. McCleery and Saylor on Friday night, at the Hotel.

Workmen are busily engaged in building a directors' house on the grounds of the Kamehameha School for Boys at Kalihi.

An advocate in the Supreme Court yesterday said that a legal fee could not be so large that a lawyer would not swear it was reasonable.

The creamer of the Woodlawn Dairy has broken down, leaving some of the ice cream makers without their supply. Repairs will take a day or two.

A drove of handsome mules and some magnificent cattle are quartered at the foot of Punchbowl street, and are worth stockmen looking at.

There is a general complaint of dullness in business. Probably the interruption of fortnightly communication with the Coast has much to do with it.

The keepers and clerks of restaurants and billiard rooms are having a surfeit of boating talk. They regard the whole town as having water on the brain.

The annual lunch of the Planters' Company—usually the most agreeable part of the Convention to the reporters—was omitted this year. Oh, how dull!

At Chambers before Judge McCully yesterday, a hearing was had on a petition for probate of the will of Manac (w.), and the case continued till the 27th inst.

The Woman's Christian Temperance Union has its monthly session in the Y. M. C. A. parlors at 2:30 this afternoon, the executive committee to meet half an hour earlier.

Mr. Fred. Jones, for some time in charge of the Hotel bar, has given up the notion of going to the Coast, having accepted the management of the Merchants Exchange for Col. S. Nowlin.

Two white men started on Tuesday for Wainane in the old water boat formerly belonging to Mr. J. Simonson. They had nothing but an old sail with one ear to steer by. It is not known yet whether they have arrived at their destination or not.

The Supreme Court, October term, only sat an hour yesterday. After hearing argument on demurrer in the case of P. Veasey vs. A. Herbert, the Court ordered the demurrer overruled. V. V. Ashford for plaintiff, H. E. Avery for defendant.

Captain Roberts turned over the steam schooner Surprise to her new owners, the Pacific Navigation Company, yesterday. The captain returns to the Coast by the Mariposa on Saturday. He has made many warm friends during his stay here, who will regret his departure.

Yesterday forenoon, while some natives were fishing off the Wilder Steamship Company's wharf, two sharks, about six feet long each, made their appearance. The natives tried unsuccessfully to catch them with shark hooks. This should be a caution for bathers not to venture too far out in the channel.

A more cosmopolitan crowd working together in harmony could scarcely be seen than are now working on the Hon. A. F. Judd's building on Fort street for Mr. E. B. Thomas, the following nationalities being represented: Irish, German, English, Norwegian, Japanese, Chinese, Portuguese, Ethiopian, Scotch and American.

Subscribe to the HERALD.

An Executor's Responsibility.

Chief Justice Judd yesterday gave a second and final hearing, in the Probate Division of the Supreme Court, to the application for discharge made by Mr. H. E. McIntyre, as executor of the estate of the late W. Wenner, jeweler. Mr. R. F. Bickerton appeared for the applicant; Hon. Paul Neumann for Mr. A. Wenner, who had been employed as manager before purchasing the business, and Mr. W. A. Kinney for the widow of the deceased, who opposed the application.

After hearing a good deal of evidence, some of an expert nature, the several counsel made their respective closing arguments.

Mr. Kinney opposed granting the application on the following grounds: That Mr. A. Wenner was under agreement to manage the business for \$500 a month, whereas he has been paid \$100; that the whole matter should be left to a mixed native and foreign jury; that the stock had been transferred to Mr. A. Wenner for 66 2/3 per cent of its invoice value, and that, while the honesty and good faith of the executor were not questioned, yet Mr. McIntyre had not executed the trust according to the strict forms of law. He held that an advertisement on three consecutive days in a daily paper, with a private sale of the business three days later, was not sufficient under the law, and that the executor would stand in a better position had he more fully advertised the property and put it up for public competition, even if by so doing the realization had proved much smaller than the price obtained at private sale.

The administration of trusts, he contended, was in England and America, especially in the former, guarded by the courts with the most sedulous care, everything having to be done in strict compliance with the law.

Mr. Neumann argued that the law, and the terms of the will in this case, gave complete discretion to the executor in the disposal of the property, to the best of his judgment as a business man, for the benefit of the widow and the child. The appointment of Mr. McIntyre as sole executor without a bond was proof that the testator relied implicitly on his business capacity and integrity in having the will executed to the best advantage of the legatees. There was evidence of those in the jeweler's business that the price paid was even more than fair, and, as to the salary paid the temporary manager, it was most reasonable for one capable of conducting such a business. It would be a preposterous doctrine to admit, that an executor, to whose business prudence such a trust was committed, should be debarred from effecting a private sale and compelled to dispose of the property at auction, even if it was sacrificed, merely for the sake of supposed legal formality. Moreover, nothing had been adduced to show that the law had been traversed by lack of due publicity in the course taken by the executor.

Mr. Bickerton remarked that the ground had been so fully covered by his friend that it was unnecessary for him to speak at length. It was in evidence that before making the sale Mr. McIntyre had consulted all the principal jewelers in the city. He had a weighty responsibility upon him with such a property on his hands, and it would not have been prudent for him to delay selling when he had an opportunity of doing so to good advantage, or to expose goods of the nature of those in question to the risk of loss and sacrifice involved in exposing them at public auction.

On the conclusion of argument, the Chief Justice took the case in deliberation.

Police Court.

Lam Shing, \$53 and twenty days, for having opium in possession.
J. F. Granna, \$6 for drunkenness.
Kaulacha was committed to the insane asylum on the evidence of Dr. Webb.

A group of five foreigners, charged with disturbing quiet of the night at Kakaako, had a second remand.

Ah Ing, defended by Mr. Creighton, was remanded for judgment until today, on trial for opium in possession. Several other cases were remanded.

Two deserting contract laborers were ordered to return to service.

Mr. A. J. Cartwright has rendered the Supreme Court in probate an account of Queen Emma's estate. Receipts have been \$100,144.42; expenditures \$79,069.35, leaving a balance on hand, after payment of all claims, of \$21,075.07. This amount is to be held in trust, its income, together with that from the residue of real estate, to go to Prince Albert Kuniakia during his lifetime, the remainder over to the Trustees of the Queen's Hospital.

Mr. George Cavanagh is having the former billiard room of Mr. C. McCarty, Hotel street, altered and renovated for a restaurant to be run in addition to his Club House dining rooms on King street. It was reported last evening that he had about concluded the purchase of Mr. Meller's ice cream business situated beneath the dining rooms.

Two parties to an affray, a deserting spouse, and the driver of an unlicensed carriage were slated at the Station last night.

THE PLANTERS' CONVENTION.

Annual Meeting of the Planters' Labor and Supply Company.

Yesterday morning Mr. Thurston, Secretary, completed the reading of the report from the Committee on the Manufacture of Sugar. A discussion ensued, mainly on the methods of boiling sugar, in making one and two grades to make fourth sugar.

Mr. Jones said the Hawaiian Agricultural Company had tried boiling for one grade during a year, and found that it lowered polarization without compensation in quantity.

Mr. H. F. Glade reported on a trial in boiling for one grade, the result of which was an average of 91 per cent, when before and since there was an average of 94 and 95 per cent. They had therefore come to the conclusion that one grade boiling was not advantageous.

Mr. H. P. Baldwin had tried one grade boiling, the average of polarization being favorable, but the process more expensive for fuel. He had therefore given it up.

Others spoke on the subject, without varying much from the above conclusions.

The Secretary, on behalf of Mr. E. Lyan, read a report from the Committee on Fruit Culture, which was accepted and ordered to be printed.

Mr. Thurston stated that the silver-leaved wattle, a species of acacia, had been found to do better than anything else, as a timber tree, on Maui, growing faster than the eucalyptus. It made excellent fence posts and was considered the most valuable timber tree that had been tried.

Mr. T. R. Walker said he wished that any member who could would visit the Government tree plantation on the hill back of Honolulu.

Mr. J. M. Horner, from the Committee on Legislation, read a lengthy paper. The position was taken that under the clause in the company's by-laws, stating one of the objects of the association to be "the general benefit of its stockholders," they had a right to take cognizance of public affairs. The rum and opium laws were regarded as mischievous to the planting interests, calculated as they were to rob planters of a portion of the value of their labor. Not only were planters injured by the evil working of those vicious laws, but merchants and the general public also.

They had felt safe under the pilotage of former Cabinets, even when knowing that Mr. Spreckels was behind the curtain, although things were not quite to their liking. The writer had an exalted idea of the destiny of the white man to rule and control both men and the elements, and he proceeded to show how the ruling race had been the only one to pass the original bounds to any extent.

The missionaries were pioneers in teaching the natives how to increase their comforts by labor, but the latter had not taken very fondly to work. They had been taught by white men also that government required officers, and that the holder of office had an easy living. Then they had learned that if office did not yield enough for their fancy, its emoluments should be increased, and if the revenue is not sufficient to that end the required amount must be forced from the taxpayer. Thus it was that with a wave of the hand taxation had just been increased thirty-three and one-third per cent. In imposing taxes on people without their consent the native rulers had been using dangerous tools, the unwarranted use of which had upset the authority of powerful nations and caused the shedding of much blood. He did not want to take these powers from the natives, but teach them their proper use. It was painfully evident that the last Legislature and the preceding one were handling edged tools in a manner dangerous to the Kingdom, injurious to the people and to the health of the natives. Reference to the two laws upon rum and opium made this apparent, while the Genealogy Board, army bill and other follies clinched the argument.

In conclusion the writer spoke of the certain doom of the native race from the access given them to rum and opium, and called on planters and other people "to come to the help of the Lord against these mighty sins of intemperance, extravagance and folly, and by their acts, protest against those laws that have opened the flood gates of Intemperance and let loose the juggernaut of hell to roll over and crush the weak victims of intemperance." If that was politics, all right. Politics meant the science of government, and, if not polluted, good government. "When an individual thinks that he can shut the mouth of an American, a British subject or a German when he talks of taxes or sumptuary laws, by simply calling 'politics,' he is much mistaken."

A spirited discussion followed the reading of this paper, and the sentiments of the convention were embodied in the following resolution, unanimously passed:—

Resolved, That the Planters' Labor and Supply Company do hereby place themselves on record as being opposed to an opium license, which they consider injurious to the planting interests of the country, and regret that a law permitting it was passed. And that we consider the increase of taxes made

by the late Legislature to be unjustifiable and in derogation of the interest of planters. Also, that we consider that the vetoing of the law compelling the retaining of road taxes in the districts was against the interests of tax-payers and of good roads, and we are of opinion that such a law should have been passed.

Some routine business was transacted, including the announcement of the new officers as given in yesterday's HERALD, and then the Company adjourned for this year.

Literary Gleanings.

"Literarian" is used by *Literary World* to describe a literary person.

The Dartmouth College of Award on the \$500 Fletcher prize for essay writing, have found no essay worthy of a prize, and the same subject, "The Uses and Abuses of the Lord's Day," will be given for this year's prize essay.

H. D. Bendixen has taken a contract to build a large four-masted schooner for Capt. Johnson and other parties in San Francisco. This will be the largest vessel ever built at this port, having a hold of eleven feet deep and a carrying capacity of 500,000 feet of lumber. This schooner is to be ready for launching early in January. Capt. Johnson, who is to be the master, was in command of the Western Home several years running to this port, and who also had built the schooner Ida McKay. —Humboldt Times.

Lord Roseberry in a speech at Linlithgow, Scotland, recently, thought no greater calamity could befall the country than the continual ruining of provincial life by the absorption of the best labor into the great cities, especially London, and if no check was provided the authorities would be unable to manage the masses.

Caused a relapse. Dr. Blitz—"How is Colonel Blank?" Dr. Mitts—"He was getting along finely, but yesterday he took a relapse and died within ten minutes." Dr. Blitz—"What caused the relapse?" Dr. Mitts—"One of the papers published a woodcut of him."

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The Sailors' Home is getting to look rather inhospitable for Jack.

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ARRIVALS.

WEDNESDAY, OCT. 27.

Sch Waimanalo from Hilo
Sch Kulanani from Puna
Ste Waimanalo from Waimanalo
Bk Calbarien from San Francisco

DEPARTURES.

WEDNESDAY, OCT. 28.

Ste Kilauea for Maui and Hawaii
Bkne Eureka for San Francisco

VESSELS LEAVING TO-DAY.

Ste Jas Makoe for Wainane and Kauai
Am bkne W H Diamond for San Francisco

Vessels in Port from Foreign Ports.

Am bkne Ella, Rusa, from San Francisco
Car bk Pacific, Offshore, from Bremen, Germany
Haw bk Thos R Foster, Rugg, from Newcastle, N S W
Am bkne W H Diamond, Swift, from San Francisco
Am bk Calbarien, Perkins, from San Francisco

Vessels Expected from Foreign Ports.

Brit bark Ironcrag, from Liverpool, due October 15-20.
To T. H. Davies & Co.
Am bkne Salina Blake, from San Francisco, due October 15-20.
To W. M. Benson, sailed from Boston, August 27th, due December 10-20.
To C. Brewer & Co.
Brit bark Martha Fisher, to have sailed from Liverpool, August 25.
Brit bark W H Watson from Liverpool, due October 15.
To F. A. Schiller & Co.
Am bk Pacific Slope, from Newcastle, N S W, due September 10-20.
To Wilder & Co.
Brit ship Hampden, Babcock, from Newcastle, N S W, due October 10-20.
Am bk Hope, Pendallow, from Port Townsend, W T, October 15.
Lewers & Cooke, agents.
Am bk Saratoga, from New York, due November 18th.
Castle & Cooke, agents.
Brit bk Glenagair, Rollston, from Liverpool, due January 15-20, 1887.
T. H. Davies & Co., agents.
Am bkne S N Castle, Hubbard, from Port Townsend, W T, due December 15-20.
Castle & Cooke, agents.
Haw bk Star of Devon, Lovell, from Me-shall Islands, due Oct 21-30.

NOTES.

The bark Calbarien commenced to discharge her freight, consisting partly of bricks and coal yesterday. The Geo. T. Perkins is discharging her general cargo. The bark Thos R Foster took in ballast yesterday. The bark W H Diamond is supposed to leave to-day at 1 o'clock.

New Advertisements.

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